



Long Island Rail Road

January 21, 2016

VIA ECF

Honorable Judge Arthur D. Spatt
United States District Court
100 Federal Plaza
P.O. Box 9014
Central Islip, NY 11722

Re: Vrazel v. LIRR
Docket #14-CV-6209 (ADS)(ARL)

Dear Judge Spatt:

I am writing on behalf of The Long Island Rail Road Company ("LIRR") in response to third-party defendants' correspondence of January 20, 2015 in which Scheidt & Bachmann's ("S & B") counsel requests a pre-motion conference.

Contrary to Mr. Brennan's assertions, however, the LIRR fully intends to submit a counter-statement of facts and oppose S & B's motion. As per Your Honor's rules at paragraph D(i), the LIRR's time to respond is within seven days of receiving the served Rule 56.1 Statement: "Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1..." "All parties receiving such a Rule 56 Statement and wishing to oppose the motion must serve on the movant within seven days of receiving the movant's Rule 56.1 Statement an original and two copies of a counter-statement pursuant to Rule 56.1".

The LIRR received S & B's Rule 56.1 Statement of Facts on January 15, 2016 (see enclosure). The LIRR has not consented to service by e-mail. As such, the LIRR will serve its Rule 56 counter statement within seven days, by January 22, 2016.

Very truly yours,

Karla R. Alston
General Attorney
718-558-7760

KRA/mr
Enclosure

cc: Sedgwick LLP
Flynn & Lauriello, PLLC

225 LIBERTY STREET, 28TH FLOOR NEW YORK NY 10281-1008
WILLIAM J. BRENNAN

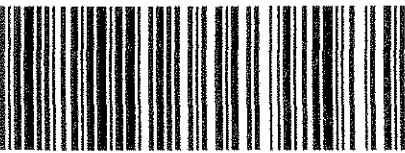
Sedgwick_{LLP}

Karla Alston, Esq.
General Attorney
Long Island Rail Road
Law Department - 1143
Jamaica Station
Jamaica, NY 11435

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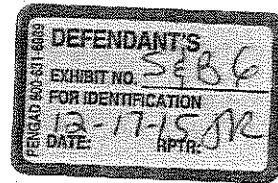
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHARLES VRAZEL,

Plaintiff,

14-CV-6209 (ADS)(ARL)

-against-

AMENDED RESPONSE TO
THIRD-PARTY
DEFENDANTS' FIRST SET OF
INTERROGATORIES

LONG ISLAND RAIL ROAD COMPANY,

Defendant.

-----X
LONG ISLAND RAIL ROAD COMPANY,

Third-Party Plaintiff,

-against-

SCHEIDT & BACHMANN GMBH and
SCHEIDT & BACHMANN USA, INC.

Third-Party Defendants

-----X
Third Party Plaintiff, The Long Island Rail Road Company ("LIRR") by its attorney,
RICHARD L. GANS, ESQ., for its answers under oath to third-party defendant's First Set of
Interrogatories, states as follows, upon information and belief:

**The following answers are made to third-party defendant's Interrogatories
and where an interrogatory uses the word "accident", defendant/third-party
plaintiff LIRR in no way by answering such interrogatory, admits the
occurrence of such accident or any of the claims alleged to have been due to
such alleged accident.**

Interrogatory No. 1

If LIRR received any notice, prior to Vrazel's alleged injury on August 31, 2013, about
any problems with or malfunctions of TOM 1243, state who gave that notice, who received the
notice, and when the notice was received by LIRR, and describe in detail the substance of that

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LAW DEPARTMENT
LIRR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHARLES VRAZEL,

Plaintiff,

-against-

LONG ISLAND RAIL ROAD COMPANY,

Defendant.

LONG ISLAND RAIL ROAD COMPANY,

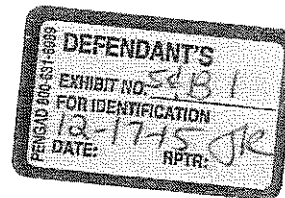
Third-Party Plaintiff,

-against-

SCHEIDT & BACHMAN GMBH and SCHEIDT
& BACHMAN USA, INC.,

Third-Party Defendants.

Case No. 14-CV-6209 (ADS) (ARL)



NOTICE OF DEPOSITION OF LONG ISLAND RAIL ROAD COMPANY

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, Third-Party Defendants Scheidt & Bachman GmbH and Scheidt & Bachman USA, Inc. (collectively "Scheidt & Bachman") shall take the deposition upon oral examination of Defendant/Third-Party Plaintiff Long Island Rail Road Company ("LIRR"), through one or more officer, directors, agents or other representatives who shall be designated to testify on LIRR's behalf regarding all information known to or reasonably available to LIRR with respect to the subject matters identified in Exhibit A, attached hereto. Scheidt & Bachman requests that LIRR provide written notice at least five business days in advance of the deposition of the name(s) and position(s) of the individual(s) designated to testify in LIRR's behalf.

The deposition shall commence on November 30, 2015, at 9:30 a.m. at the offices of SEDGWICK LLP, 225 Liberty Street, 28th Floor, New York, NY 10281, and shall be taken before a duly certified court reporter, notary public or other person authorized by law to

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LAW DEPARTMENT
LIRR

LIRR
LAW DEPARTMENT
2016 JAN 15 P 4:20

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHARLES VRAZEL,

Plaintiff,

14-CV-6209 (ADS)(ARL)

-against-

RESPONSE TO THIRD-PARTY
DEFENDANTS' FIRST SET OF
DOCUMENT REQUESTS

LONG ISLAND RAIL ROAD COMPANY,

Defendant.

-----X
LONG ISLAND RAIL ROAD COMPANY,

Third-Party Plaintiff,

-against-

SCHEIDT & BACHMANN GMBH and
SCHEIDT & BACHMANN USA, INC.

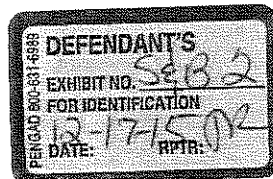
Third-Party Defendants

-----X

Third Party Plaintiff, The Long Island Rail Road Company ("LIRR") by its attorney,
RICHARD L. GANS, ESQ., for its answers under oath to third-party defendant's First Set of
Document Requests, states as follows, upon information and belief:

Document Request No. 1

All documents identified or described in LIRR' discovery responses, including its Rule
26 Initial Disclosures and its responses to Scheidt & Bachman's First Set of Interrogatories to
LIRR.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHARLES VRAZEL,

Plaintiff,

-against-

LONG ISLAND RAIL ROAD COMPANY,

Defendant.

LONG ISLAND RAIL ROAD COMPANY,

Third-Party Plaintiff,

-against-

SCHEIDT & BACHMAN GMBH and SCHEIDT
& BACHMAN USA, INC.,

Third-Party Defendants.

Case No. 14-CV-6209 (ADS) (ARL)

**DECLARATION OF WILLIAM J. BRENNAN IN SUPPORT OF THIRD-PARTY
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, WILLIAM J. BRENNAN, hereby declare as follows:

1. I am an attorney admitted to practice before the Courts of the State of New York and the Eastern District of New York. I am an attorney at Sedgwick LLP, counsel for third-party defendants Scheidt & Bachman GmbH and Scheidt & Bachman USA, Inc. (collectively "Scheidt & Bachman").

2. I am familiar with the facts, circumstances and proceedings in this case, including documents produced pursuant to discovery therein, and submit this declaration in support of Third-Party Defendants Motion for Summary Judgment against third-party plaintiff Long Island Rail Road Company ("LIRR").

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHARLES VRAZEL,

Plaintiff,

-against-

LONG ISLAND RAIL ROAD COMPANY,

Defendant.

Case No. 14-CV-6209 (ADS) (ARL)

LONG ISLAND RAIL ROAD COMPANY,

Third-Party Plaintiff,

-against-

SCHEIDT & BACHMAN GMBH and SCHEIDT
& BACHMAN USA, INC.,

Third-Party Defendants.

**DECLARATION OF ANGELO ZUARDO IN SUPPORT OF THIRD-PARTY
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, ANGELO ZUARDO, hereby declare as follows:

1. I am an employee of Scheidt & Bachman USA, Inc. ("S&B") and have been since February 2002. My current title is Field Service Technician and I have been providing maintenance and repair services to S&B's customers for approximately the last fourteen years.

2. I understand that S&B has a contract pursuant to which S&B provides inspection, maintenance, and repair services to the Long Island Rail Road Company ("LIRR") and Metro-North Railroad.

3. Among my other duties as an S&B repair technician, I regularly diagnose and repair problems with the Ticket Office Machines, or "TOMs", used by LIRR and Metro-North Railroad. Accordingly, I am familiar with the use and design of LIRR's TOMs.

4. The TOMs print and dispense the tickets required to use the LIRR's trains.